Prepared by & Return to: Morris, Schneider & Prior 1587 Northeast Expressway Atlanta, GA 30329 770-234-9181 ext 1120

MSP # 0515864MS Loan # 8043044935/ Tuggle

> 11/01/06 10:33:09 BK 543 PG 226 DESOTO COUNTY, MS W.E. DAVIS, CH CLERK

INDEXING INSTRUCTIONS: southwest quarter of section 36, Township 3 South, range 8 West, Desoto County, Mississippi

STATE OF MISSISSIPPI

COUNTY OF DE SOTO

## SUBSTITUTE TRUSTEE'S DEED

WHEREAS, James Tuggle and Evelyn PowersTuggle executed a Deed of Trust in favor of John B. Philip, Trustee, securing an indebtedness to EquiCredit Corporation /Ala and Miss, dated October 18, 1999, and recorded in Book 1162, Page 540 of the Land Records of De Soto County, Mississippi; and

WHEREAS, said Deed of Trust was assigned to The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2, by instrument dated December 8, 2005, and recorded in the Office of the aforesaid Chancery Clerk in Book 2,402, Page 643; and

WHEREAS, The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2, the legal holder of the said Deed of Trust and the Note secured thereby, substituted Priority Trustee Services of Mississippi, L.L.C. as Substitute Trustee therein, as authorized by the terms thereof, by instrument dated February 1, 2006, and recorded in Book 2,402, Page 645 of the records in the offices of the aforesaid Chancery Clerk; and

WHEREAS, default having been made in the payment of the indebtedness secured by said Deed of Trust, which default continued for a period of time necessary for the holder thereof to declare the entire unpaid balance immediately due and payable as was its option so to do under the terms thereof, Priority Trustee Services of Mississippi, L.L.C., did on October 19, 2006, between the hours of 11:00 o'clock a.m. and 4:00 o'clock p.m., at the East Front Steps door of the De Soto County Courthouse, 2535 Highway 51 South Hernando, Mississippi, offer for sale at public auction and sell to the highest bidder, according to law, the following described land and property, with improvements thereon situated, lying and being situated in De Soto County, Mississippi, and more particularly described as follows:

1.33 acres being part of the southwest quarter of section 36, Township 3 South, range 8 West, Desoto County, Mississippi and described as follows: Commencing at the southeast corner of the southwest quarter of section 36, Township 3 South, range 8 West. Said point located in Ranch Road. Thence North 06 degrees 30 minutes 04 seconds East 40.0 seconds to a point on the North right of way of Ranch Road. Thence North 85 degrees 12 minutes 40 seconds West 309.0 seconds along said right of way to a iron pin. Said point being at the southeast corner of said 1.33 acres and the point of beginning. Thence North 06 degrees 28 minutes 55 seconds East 215.43 seconds to a iron pin thence North 63 degrees 41 minutes 33 seconds West 229.22 seconds to a iron pin. Thence South 06 degrees 00 minutes 49 seconds West 257.45 seconds to a iron pin on the north right of way of Ranch Road. Thence South 85 degrees 12 minutes 48 seconds East 227.21 seconds along said right of way to the point of beginning. Parcel being that remaining property as recorded in deed book 44 page 457 of the office of Chancery Clerk, Desoto County, Mississippi. Being the same property conveyed to grantor, herein by Last Will and Testament, at Docket Number 96-12-1464, dated December 12, 1996, in the Chancery's Clerk's Office of Desoto County Mississippi. Tax i.d. No. 3087-3600-0-00009.00

Said property was sold after strictly complying with all the terms and conditions of said Deed of Trust and the statutes made and provided in such cases. A notice of the time, place and terms of said sale, together with a description of said property to be sold, was given by publication in The DeSoto Times, a newspaper published and generally circulated in De Soto County, Mississippi, for three consecutive weeks preceding the date of sale. The first notice of publication appeared on September 28, 2006, and subsequent notices appeared on 10/5/06 and 10/12/06. Proof of publication is attached hereto and incorporated herein by reference. A notice identical to said published notice was posted on the bulletin board at the De Soto County Courthouse, Mississippi, on September 25, 2006, and everything necessary to be done was done to make and effect a good and lawful sale.

At said sale The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2 bid for said property in the amount of \$43,000.47 and this being the highest and best bid the said The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2 was declared the successful bidder and the same was then and there struck off to The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2.

NOW, THEREFORE, in consideration of the premises and in consideration of the price and sum of \$43,000.47, cash in hand paid, receipt of which is hereby acknowledged, I, the undersigned Substitute Trustee, do hereby sell and convey unto **The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2**, its successors and assigns, the land and property above described, together with all improvements thereon.

Title to this property is believed to be good, but I will convey only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this the 19 day of October, 2006.

Dionne Simmons Member

Priority Trustee Services of Mississippi, L.L.C.

Substitute Trustee

STATE OF GEORGIA COUNTY OF DEKALB

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said County and State, the within named Dionne Simmons, Member of Priority Trustee Services of Mississippi, L.L.C., Substitute Trustee, who stated to me on oath that he signed and delivered the above and foregoing instrument on the day and in the year therein stated, for the purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 19 day of October, 2006.

My Commission Expires

Grantor:

Dionne Simmons

Priority Trustee Services of Mississippi, L.L.C.

1587 Northeast Expressway

Atlanta, GA 30329

.770-234-9181

Grantee:

The Bank of New York, as Trustee for the holders of the EQCC Asset Backed Certificates, series 2001-2

3815 S. West Temple

Salt Lake City, UT 84115

801-293-1883



## PROOF OF PUBLICATION

## THE STATE OF MISSISSIPPI **COUNTY OF DESOTO**

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper

SUBSTITUTE NOTICE OF BALE NOTICE OF	nas been made ir	sald paper	_ consecutive t	times, as follows	, to-wit:
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